

Mayor Joseph S. Kroll

Council Vice President Jay G. Foy

Council Member Henry "Butch" Lynch

Assistant Town Administrator / Town Clerk Janice C. Rutan

Town Attorney John Foster

Council President James E. Woods

Council Member Jerry E. Beavers

Council Member Mark C. Uptegraph



## **TOWN COUNCIL REGULAR MEETING**

**Town Council Meeting**

**Town Hall Council Chambers**

**Thursday ~ May 24, 2007**

**7:00 p.m.**

### **AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes of the April 26, 2007 Regular Meeting**
  - b. Approval of the minutes of the May 10, 2006 Regular Meeting**
- VII. COMMENTS FROM THE PUBLIC**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**
- IX. PROCLAMATIONS AND PRESENTATIONS**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - a. Ordinance No. 362: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AUTHORIZING AN ADDITIONAL \$25,000 OF HOMESTEAD EXEMPTION FOR PERSONS 65 YEARS OF AGE AND OLDER PROVIDED CERTAIN OTHER CRITERION IS ALSO MET, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR DELIVERY OF A COPY OF THE ORDINANCE TO THE PROPERTY APPRAISER; PROVIDING AN EFFECTIVE DATE AND OTHER PURPOSES.**
- X. FIRST READINGS AND REGULAR AGENDA**
  - a. Consider Ordinance No. 363: An ordinance of the Town of Haverhill de-criminalizing water restriction violations and instead making them punishable by a civil fine**

b. Approve payment to Municipal Code Corporation in the amount of \$3,462.00 for Supplement No. 2 to the Haverhill Code of Ordinances.

**XI. REPORTS**

- a. Town Attorney
- b. Mayor
- c. Consultants
- d. Assistant Town Administrator/Town Clerk
- e. Committee/Delegate Report
- f. Treasurer's Report  
(included in packet)

**XII UNFINISHED BUSINESS**

**XIII NEW BUSINESS**

**XIV ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Assistant Town Administrator and Town Clerk, at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317



**TOWN COUNCIL REGULAR MEETING**  
**Town Council Meeting**  
**Town Hall Council Chambers**  
**Thursday ~ May 24, 2007**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the Regular Meeting of the Haverhill Town Council was held on Thursday, May 24, 2007 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were: Joseph S. Kroll, Mayor; Jay Foy, Council Vice President; Jerry Beavers, Council Member; Henry "Butch" Lynch, Council Member, Mark C. Uptegraph, Council Member; John Fenn Foster, Town Attorney. Janice C. Rutan, Town Clerk and Joseph Roche, Code Enforcement Officer/Director of Public Works were also present.

**CALL TO ORDER:**

Council Vice President Foy called the meeting to order at 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The Invocation was offered by Council Vice President Foy. Council Vice President Foy led the Pledge of Allegiance.

**ROLL CALL**

The Town Clerk called the Roll. All members were present with the exception of Council President Woods.

**APPROVAL OF AGENDA**

With no changes, additions or deletions, the agenda was ordered accepted as presented.

**APPROVAL OF THE CONSENT AGENDA**

**a. Approval of the minutes of the April 26, 2007 Regular Meeting**

**b. Approval of the minutes of the May 10, 2006 Regular Meeting**

**A motion was made by Council Member Beavers, seconded by Council Member Uptegraph and unanimously passed (4-0) to approve the Consent Agenda as presented.**

**COMMENTS FROM THE PUBLIC**

Dennis P. Koehler, P.A., LLC, Attorney for the Evergreen Companies, addressed the Town Council. He had mistakenly informed his client, Al Boyd, that the Town Council meeting would begin at 7:30 p.m. Mr. Boyd had hoped to address the Town Council under public comment.

Mr. Koehler offered to assist staff with the implementation of the Workforce Housing Ordinance.

He briefly discussed the proposed density of the affordable housing type project that Mr. Boyd was interested in presenting to the Town Council. Based on the design of the project and taking into account land costs while still being able to provide the amenities that the Council had expressed be included in the project, Mr. Boyd felt that ten units per acre would be the minimum.

On behalf of his client, Mr. Koehler requested the Town Council consider issuing a letter of intent memorializing the directive on the workforce development path the Council was proceeding with.

Mr. Koehler was hoping to work with Town staff in writing an ordinance that the Town could be proud of.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**  
Deputy Sheriff Campbell of the Palm Beach County Sheriff's office addressed the Town Council on statistics for the period May 4 – 19, 2007. During that period, there had been only 16 calls for service within the Town. There had been an attempted burglary on Park Hill Drive. Other calls included false alarms to vehicles and residences.

In response to Council Member Lynch's inquiry as to why there were helicopters over the area of Pineway Drive the previous evening, the Deputy responded that although he did not have the specifics for the incident referred to, most times "occupied stolen vehicles" prompt helicopter surveillance.

#### **PROCLAMATIONS AND PRESENTATIONS**

None.

#### **SECOND READINGS AND PUBLIC HEARINGS**

**Ordinance No. 362: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AUTHORIZING AN ADDITIONAL \$25,000 OF HOMESTEAD EXEMPTION FOR PERSONS 65 YEARS OF AGE AND OLDER PROVIDED CERTAIN OTHER CRITERION IS ALSO MET, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR DELIVERY OF A COPY OF THE ORDINANCE TO THE PROPERTY APPRAISER; PROVIDING AN EFFECTIVE DATE AND OTHER PURPOSES.**

The title was read by Town Attorney Foster. Attorney Foster offered staff's report.

There being no public comment, a motion was made by Council Member Beavers, seconded by Council Member Uptegraph and unanimously passed (4-0) to adopt Ordinance No. 362 upon second reading.

#### **PUBLIC COMMENT:**

**Diana Curtis, 882 Briarwood Drive:** Ms. Curtis addressed the Town Council inquiring into the status of the replacement fence between her property and the Integrity (Sunset Isles) subdivision. She complained that since the fence and hedge had been removed there had been an increase in crime in the neighborhood, including her own vehicle that had been burglarized.

The Mayor responded to Ms. Curtis explaining that he had put Integrity on notice that they had seven days (from May 23, 2007) to replace the fence and hedge. In addition, Integrity would be required to fence the entire project since the project had been put on hold. He invited Ms. Curtis to follow up with the Town within the next seven days.

#### **FIRST READINGS AND REGULAR AGENDA**

**Consider Ordinance No. 363: An ordinance of the Town of Haverhill decriminalizing water restriction violations and instead making them punishable by a civil fine.**



Attorney Foster explained that the Palm Beach County Code applied to incorporated areas within the County that used the Palm Beach County utilities. As such, there would be no need for the Town to adopt its own Ordinance.

**Approve payment to Municipal Code Corporation in the amount of \$3,462.00 for Supplement No. 2 to the Haverhill Code of Ordinances.**

Attorney Foster explained that the Town of Haverhill was required to update its Code of Ordinances by ordering supplements that would incorporate all newly adopted Ordinances. The clerk reported that the last supplement to the Code had been ordered in 2002. The process of codification was explained in detail by Attorney Foster.

**After a brief discussion, it was moved by Council Member Uptegraph, seconded by Council Member Beavers and unanimously passed (4-0) to approve payment to Municipal Code Corporation in the amount of \$3,462.00 for Supplement No. 2 to the Haverhill Code of Ordinances.**

## **REPORTS**

### **Town Attorney**

Town Attorney Foster reported that he and the Town Planner had met to discuss the parameters of the Workforce Housing Ordinance. They had identified the options that would be pursued based on the direction received at the workshop on Workforce Housing. They would be looking at:

- Specific Overlay Area
- Density Bonuses
- Mixed Use
- Staff knowledge of programs available for first time home buyers and other financial assistance programs available

The Attorney and Planner were looking at having a draft available for Council review by the end of July.

They would be looking not only at vacant areas, but looking at properties that may be ripe for redevelopment. Staff would be looking at an Ordinance that would be applicable the entire Town and not to specific areas or projects.

### **Mayor**

The Mayor had met with Whiteside Construction for the curbing project in Briarwood Development. The Town Engineer had begun the permitting for the Rutherford Road project.

He reported that he and the Clerk had been looking into obtaining grants for the funding of Rutherford Road.

### **Consultants**

None.

### **Assistant Town Administrator/Town Clerk**

The Clerk reported that she had attended the Florida League of Cities Workshop dealing with Tax Reform. She had met with several of the legislators and/or their staff. Most of those present were looking at legislation that would require the municipalities to roll

back their tax rate using a formula that would be set forth during the special legislative session.

The clerk explained that the Town Manager from the Town of South Palm Beach had presented a proposal that offered an alternative to rolling back taxes by readdressing the Save Our Homes legislation by phasing in mandatory reassessment of properties every five years.

Council member Foy expressed his opinion that although there were alternatives to roll backs, etc. it was the sole intent of the Governor that all municipalities cut taxes so to result in tax savings to the property owner.

**Committee/Delegate Report:**

Council Member Beavers reported on the Emergency Management Meeting he had attended at the Emergency Operations Center. He presented door hangers that he would like to be distributed to all residents in the event of an emergency event.

He reported that the County was requesting that each municipality adopt an Ordinance that would permit an RV or mobile home to be placed on property in the event a building or home became inhabitable due to the emergency event. The Mayor assured that the Council that the Town's Ordinances did address emergency situations and as such would allow temporary housing. It was agreed that the matter would be researched and if necessary come before the Code and Ordinance Committee. The trailers would need to be registered with the Town.

Council Member Beavers presented the zone maps to the Council. Each Council Member with the exception of Council Vice President Foy would be responsible for zones within the Town after an emergency event. Council Vice President Foy explained that he was committed to clients in the event of an emergency event.

Council Member Lynch reported that he would be driving around the Town the night before the planned Dinner and a Movie Under the Stars reminding residents of the June 1, 2007 affair.

Council Member Lynch reported that he had attended the symposium on gang violence held at the Florida Atlantic University. He had prepared a report highlighting the information shared at the symposium, a copy of which is attached and made part of the record.

Council Vice President Foy reported on the meeting of the Code and Ordinance Committee held on May 15, 2007. Council Vice President Foy requested the Clerk schedule a follow up meeting.

Council Vice President Foy reported that Ken Todd had informed him that although the HMPG had been approved by FEMA for the Palm Beach County portion of the Briarwood Drainage project, it had been approved for the wrong amount. In addition, due to the delay, the time frame would need to be altered. FEMA had assured Mr. Todd that these changes could be made administratively.



Council Vice President Foy next reported that Charlie Rich had informed him that Palm Beach County had placed the Woodland Drainage project on hold due to upcoming budget constraints.

Council Vice President Foy explained that the project would benefit the Town of Haverhill and its residents by diverting the Woodland Drainage west to the E-3 canal. The project had been designed and funded for in Palm Beach County's current fiscal year. Because the project was designed to protect property through proper drainage and as such was considered a high priority by the Town of Haverhill. Council Vice President Foy suggested the Mayor send a letter to County Administrator Bob Weisman urging him to release the funds and follow through with the Woodland Drainage project for the health, safety and welfare of the residents. The Council agreed and the Town Attorney supported sending the letter.

Council member Beavers scheduled a meeting of the Emergency Management Committee for June 29, 2007 at noon.

**Treasurer's Report**  
(included in packet)

**UNFINISHED BUSINESS:**

Council Vice President Foy acknowledged that Al Boyd of Evergreen Companies was present. Mr. Boyd expressed his appreciation to the Town for their support towards adopting an ordinance to address the Workforce Housing issues.

**NEW BUSINESS**

Council Vice President Foy announced that he had submitted his name for consideration to be the Governor's appointee to serve on the South Florida Water Management District Board. He noted that if appointed, he would be required to resign his seat as Council Member to the Town of Haverhill.

**ADJOURNMENT:**

With no further business to come before the Town Council, the meeting adjourned at 7:50 p.m.

Approved:

July 12, 2007

Janice C. Rutan, Town Clerk

James E. Woods, Council President